Received copy of the within for the judge who tried the case the _____ day, _____, A.D.

MONONTAV, *County Clerk*

By _____, *Deputy*

_____

Service of the within and receipt of a copy thereof is hereby admitted this _____ day of _____ A.D., 1942.

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1943

No. 566

GRETTA LAFUENTE,

Petitioner,

vs.

COUNTY OF LOS ANGELES,

Respondent.

PETITIONER'S PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF CALIFORNIA

GRETTA LAFUENTE,

Petitioner In Propria Persona

JOHN H. O'CONNOR,

County Counsel

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In the Supreme Court

OF THE

United States

OCTOBER TERM, 1942

NO. 566

GRETTA LAFUENTE,

Petitioner,

COUNTY OF LOS ANGELES,

Respondent.

REQUEST FOR REHEARING

Presented in good faith and not for delay.

To Franklin Delano Roosevelt, President of United States and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States, I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this Petition for Rehearing of my petition for a Writ of Certiorari to the Supreme Court of State of California by the Supreme Court of United States.

Reasons for Rehearing:

Erroneous decision upsetting prior precedents of the United States Supreme Court is involved in this case. Our Constitutional form of government is bent toward some kind of unbalanced government, instead of retaining our heritage as freemen with rights secure for *every class* of persons, thereby our standing as a republic is questioned.

JURISDICTION:

(1) An Appeal.

(2) Asserted Federal Rights Denied.

(3) United States Guarantees State's Republican Form of Government.

I.—By Certiorari, the Supreme Court of United States has the same power of review as if the case came before it on appeal.

(Geo. A. Fuller v Otis Elevator Co., 245 U. S. 489.)

The fact that this matter received consideration by the District Court of Appeal, as well as the Supreme Court of the State of California, does not correct the mistake committed. The District Court of Appeal rendered its decision with an opposite separate opinion by Hon. Thomas White J. (see pp. 9 and 10 Appendix, No. 18258, Oct. Term 1942, United States Supreme Court, and Earl Warren, then District Attorney, now Governor of the State of California, stated an opinion favorable to Appellant. Then the case was presented to the Supreme Court of California which granted a hearing evidently because they must have thought that preceding decisions were not sound. The Supreme

Court of California *did* question the decision of the Superior Court (the Trial Court), and that of the District Court of Appeal.

Question: By the Supreme Court of the State of California, decision, quoting:

"Upon this record therefore the question is whether a child . . . may be compelled to reimburse a county . . . for old age benefits if the parent has refused to live with the child *in reasonable suitable quarters.*" (See p. 14 Appendix in Supreme Court of the United States, Petition for Writ of Certiorari, No. 18258, October Term 1942.)

Answer: By Hon. Thomas White J.'s decision in District Court of Appeal, Civil No. 12645, quoting:

"It is to be noted that the statute does not require from the responsible relative *financial or cash support, but only support as is 'adequate.'* "

(See p. 10 Appendix Supreme Court of United States, Petition for Writ of Certiorari, No. 18258, October Term 1942.) Welfare & Inst. Code, Stats. 1937, Chap. 375, Sec. 2224 under which sued, and Sec. 2160f, quoting: " . . . *adequate support* from a child able and *responsible* under the law of this state to furnish such *support.*"

Argument: What kind of support demanded by legislature? "Adequate" support, and only that.

II.—Where the question arises, if the basis of fact upon which the state court rested its decision denying asserted Federal rights, has any support in the record, it is the duty of the United States Supreme Court to review and correct the error.

Southern Pac. Co. v Schuyler, 227 U. S. 601,611.

Northern Pac. Ry. Co. v North Dakota, 236 U. S. 585,593.

Postal Telegraph Co. v Newport, 247 U. S. 464,473.

It is a gross disregard of the rights of the *class* of people who are *adult children* for the courts to consider parents and county rights only, especially since an adult child is being sued. "If in need" and "aid to the needy," is repeated in the statute under which suit is begun, one hundred and two times. However, the court reads into the provisions of the statute, provisions to make it possible to give aid. *Yet under the same law* that same court *completely disregards* the rights of *another class,* the one which is being sued—adult children—which class the legislature has protected in its provisions by *limiting the extent* of their responsibility to support to only requiring them to furnish "adequate" support. Though stated by the legislature simply and clearly, the court has shown prejudice against adult children by disregarding the word "adequate" put in by the legislature. The court has substituted the word "financial" for "adequate," demanding financial support in place of adequate support. However, food, lodging, clothing, etc., in *"reasonable suitable quarters"* is adequate support. (See Trial Court Decision Preface Appendix in Petitioner's Petition for Writ of Certiorari in the Supreme Court of United States, October Term 1942, No. 18258.)

The Supreme Court of California's decision considers the case on an *unequal, prejudiced and oppressive basis toward the class of citizens—adult children*—as to amount to *unjust illegal discrimination* between *classes considered.* Judgment was directed against a

particular class of persons, namely, adult children, to amount to the *practical denial* by the State of that equal right under the law for all classes' rights under the law to be equally considered. Protection to that class written in the law by the state legislature is disregarded by the state court though that protection is particularly and precisely set down in the law, their responsibility *exactly limited*. Thus denying the adult child the protection the legislature had given that class by such *limitation* of the support which is their responsibility to provide.

III.—If judges can disregard provisions of the law so expressly made by the state legislature, we have eliminated the legislative branch of the state government to all intents and purposes. When any branch of our state government is eliminated, our Federal Government is no longer standing back of its guarantees (see United States Constitution, Article 4, Section 4) quoting:

"The United States shall guarantee to every state in this Union a republican form of government," namely, an executive, legislative, judiciary, with recognition of certain inherent individual rights.

The legislature requires only such support as is "adequate." Food, clothing, lodging, etc., is *adequate* support. "Adequate," the kind of support specifically stated, definitely arranged, exactly settled, particularly agreed, precisely mentioned. The only limitation placed on the responsibility to support, is that it be "adequate." No rule of construction allows a court to write into a clear provision of law an exception which would restrict or change its operation especially when it is al-

ready restricted only as to being necessary to be "adequate."

Such a verdict would be possible in an unbalanced government, but a republic demands that the rights of all classes be equally considered as guaranteed in the United States Constitution, Amendment XIV. When one class of people's rights to equal rights to having their rights considered under the law are denied, the United States Constitution becomes a scrap of paper, our government a hypocrisy. The drift would result in some kind of unbalanced government with no guarantees to any class, parents, adults, or any other class. State judges are bound U. S. Constitution, Article VI.

Wherefore, your petitioner, respectfully prays that certiorari be granted and respectfully submits that her petition is well taken.

Dated: Los Angeles, California, January 26, 1943.

Respectfully submitted,

GRETTA LAFUENTE,

In Propria Persona

Due service and receipt of a copy of the within is

hereby admitted this.....day of January, 1943.

.....

.....

Attorneys for Respondent.

(23)

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1942

No. 566

GRETTA LAFUENTE,
Petitioner,

vs.

COUNTY OF LOS ANGELES,
Respondent.

Second Petition for Rehearing

PETITIONER'S PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF CALIFORNIA

GRETTA LAFUENTE,
Petitioner in Propria Persona

JOHN H. O'CONNOR,
County Counsel

In the Supreme Court
OF THE
United States

OCTOBER TERM, 1942

NO. 566

GRETTA LAFUENTE,
Petitioner,

COUNTY OF LOS ANGELES,
Respondent.

Preface
MOTION FOR LEAVE TO FILE SECOND REQUEST FOR REHEARING

Presented in good faith and not for delay.

To Franklin Delano Roosevelt, President of United States and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States, I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this second Petition for Rehearing of my petition for a Writ of Certiorari to the Supreme Court of State of California by the Supreme Court of United States, in order to better present the question in its broader aspects since it affects so many people and the state's decision is not in accord with applicable decisions of this court. False judicial practice and false standards of government are involved which have so far departed from the accepted and usual course of judicial proceeding as to call for an exercise of this court's power of supervision. The family is outraged. Individual rights are abandoned.

— 1 —

Reasons for Rehearing:

England though bombed has managed to pay pensions to her aged citizens. *Do we not consider ourselves as clever,* or our people as worthy?—or—cannot the post-war world afford to have America take care of her people as well as any other people, even finding it necessary to outrage the family by "phoney" legislation, considering it expedient to butcher and infuriate family relations by strange maneuvers of governmental treachery when it should be stabilizing society by promoting solidarity. Instead it breeds internal strife.

A war to be won abroad, yes. Also, what about dangerous enemies within, where attack is easier. They must not be forgotten in the meantime, either. Let them destroy the family and they could destroy all, creating irresponsibility. Trace delinquency. Will you not find the large majority of cases are from broken families? The family is the normal haven for the individual to go in faith for comfort, understanding, love, *loyalty,* unity, community interest. This source of sound emotional possibilities should not be destroyed. Nothing could be calculated to upset society more inauspiciously than to sneakingly undermine the home. Show me a community of strength and I shall be able to point out to you strong family relations and loyalty. Wherever families stick together there is permanent strength. Never unroot family affections, is the rule of those accustomed to handling people—*when*—working for stability in society.

The following sentiments by our best beloved authors voice our feelings. They are the history of our race. Such sentiments are needed in this trial. Since the technical side has been covered in Appellant's former briefs in this case, please read. Laws carry out our sentiments.

Sentiments are what is born and bred into us from the beginning of time. They are what we are. We are too sober thinking people ever to submit to less.

"With luxury and pride surrounded,
The *vile,* never satisfied, dare,
Their thirst for gold and power unbounded,
To measure out and sell the light and air."

(*Parents, children,* love and hope, and all that makes our life worth while.)

"But man is man, and who is more?
Oh, Liberty! can man *resign* thee,
Once having felt thy gen'rous flame?"

"I gaze upon the moon as I tread the drear wild,
And feel that my mother now thinks of her child."

" 'Mid pleasures and palaces though we may roam,
Be it ever so humble there's no place like home.
A charm from the skies seems to hallow us there,
Which seek thro' the world" (shall cheer me no more.)

"Thou wilt not cower in the dust.
I see no blush upon thy cheek.
Thou wilt not crook at (any) control."

"Oh! Columbia the gem of the ocean,
The home of the brave and the free;
The shrine of each patriot's devotion,
A world offers homage to thee."

"Thy mandates make heroes assemble,
When liberty's form stands in view.
Thy banners make tyranny tremble
When borne by the red, white and blue."

These are standards we understand. They are good standards. The soldiers *are* winning abroad. Let cowards squirm at home who are alien before that great goddess who holds the torch of man's courageous onward march. For these men who have seen their innocent comrades murdered, crippled, maimed, mutilated, sacrificed, will be thinking men. Force, death, ruin, waste, plunder, will have given them a philosophy of contempt for the ruthless. Our soldiers—*men* returning—will rightly expect that we have kept their way of life secure for them. Theirs is a heritage of independent liberty-loving freemen. That precious dignity and identity they shall never be willing to lose. Any such attempt would be to admit that we had rotted.

Our laws have always carried out such purposes, which have developed forward. America will never surrender them, not even with the promise of what is going to come lest it sound unreliable. No robbing of fundamental gains of the ages for future possibilities. *We can solve our problems without backsliding.* What we have got we must keep and add to it as possible lest we lose our way and find ourselves in the lap of pretenders. Each one of us (unless we be useless parasites) can have but one thing in mind as loyal members of our Republic, whose boys' lives are dedicated to us in foreign fields of battle, that we at home shall carry on the purpose of our kind, fighting each day wherever we are, each step that we take that our kind of constitutional government survives (or we shall be knighted yellow-livered). *People must have laws they can rely on to know on what they depend.* Else where are we? Fight we must, the same as they are fighting, that we be not overrun by Japanese or any other foreign soldiers. We owe it to ourselves and to the millions who come after us. We must give our best in soundest thinking as they are giving their all in bloody battle.

Wherefore, your petitioner, respectfully prays that certiorari be granted and respectfully submits that her petition is well taken.

Dated: Los Angeles, California, February 24, 1943.

Respectfully submitted,

GRETTA LAFUENTE,

In Propia Persona

Due service and receipt of a copy of the within is hereby admitted this_____day of February, 1943.

_____

_____

Attorneys for Respondent.

(24)

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1942

No. 566

GRETTA LAFUENTE,
Petitioner,

vs.

COUNTY OF LOS ANGELES,
Respondent.

Third Petition for Rehearing

PETITIONER'S PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF CALIFORNIA

GRETTA LAFUENTE,
Petitioner in Propria Persona

JOHN H. O'CONNOR,
County Counsel

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In the Supreme Court
OF THE
United States

OCTOBER TERM, 1942

NO. 566

GRETTA LAFUENTE,
Petitioner,

COUNTY OF LOS ANGELES,
Respondent.

Preface
MOTION FOR LEAVE TO FILE THIRD PETITION FOR REHEARING

Presented in good faith and not for delay.

To Franklin Delano Roosevelt, President of United States and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States, I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this third Petition for Rehearing of my petition for a Writ of Certiorari to the Supreme Court of State of California by the Supreme Court of United States, in order to better present the question in its more technical aspects since it affects so many people and the state's decision is not in accord with applicable decisions of this court. False judicial practice and false standards of government are involved which have so far departed from the accepted and usual course of judicial proceeding as to call for an exercise of this court's power of supervision. The family is outraged. Individual rights are abandoned.

Reasons for Rehearing:

To avoid repetition please include here also Appellant's *first and second petition for rehearing which covers jurisdictions, etc., with this third petition for rehearing.*

Please see the decision of the Supreme Court of California in the Supreme Court of United States, October Term 1942, No. 18258. Appendix, on the pages referred to in the following paragraphs:

p. 11, quoting: "The Appellant is the defendant in such an action and denies liability for amount paid by the County of Los Angeles to her parents upon the ground that they were ineligible for benefits because of an offer of support made by her to them."

p. 13: "Of more substance is the Appellant's contention that her parents were not in need because she had offered and still offers them support in her home."

p. 15 & *16*: "Stats. 1937, Chap. 375; Welfare & Inst. Code. Sec. 2000-2228 *"—aid shall be granted under this chapter to any person who comes within all of the following descriptions * * * who is not receiving adequate support from a husband, wife or child, able and responsible under the law of this state to furnish such support. (Sec. 2160 Wel. & Inst. Code.)"* (Note: receive carries no meaning of assent. One receives a verdict from the court whether one wishes it or not.) Parents receive support. It is legally with their adult child, if the child has never refused it to them. The law penalizes children who *refuse* by Sec. 2224 Wel. & Inst. Code. The Old Age Security Law declares: "Subject to the provisions of this chapter, every person residing in the state, *if in need,* shall be entitled to *aid* in old age *from the state.*" (Sec. 2001 Supra.) This section is the *very*

title to the chapter which deals with giving *aid* to the *needy*. This thought of giving *aid* and only to the *needy* is repeated throughout. Parents did not have a right to refuse their *legal support* to ask and get *aid*, any more than they would have a right to refuse to use one thousand dollars if they had it in the bank. Quoting Earl Warren, then District Attorney, now Governor of California, in the District Court of Appeal, Reply Brief, 2nd Civil No. 12645, pp. 10 and 11: "Section 2001 of the Welfare and Institutions Code only authorizes the granting of aid to an aged person *'if in need.'* In my opinion an aged person who can be supported in the manner set forth above should not be considered a needy person and would not therefore be eligible to aid. In other words, such applicant should not be permitted to qualify for old age security by rejecting such adequate support any more than the applicant should be permitted to qualify for old age aid by rejecting an offer of $50 each month from a responsible relative."

p. 18, 19, 20: The Supreme Court of California submits Sec. 22, Art. IV, Calif. Const. which refers to support of indigent aged. (But an old person is not indigent [destitute] who has a responsible relative with whom he is legally entitled to adequate support. Note Sec. 2004 Wel. & Inst. Code: "Nothing in this chapter shall be construed as repealing any act or part of an act providing for the support of the *poor* as far as inconsistent herewith, and the provisions of this chapter shall be construed as an additional method of supporting and providing for the aged *poor*." The legislature thereby states that it is *not* making any *dramatic changes* in the law. Again Sec. 31 & Art. IV is referred to concerning making a gift of *public* money. However, their arguments are immaterial. It is not public money they wish to give away, but Appellant's money.

The primary question is: Does the legislature designate *any place,* that it expects the adult child to pay a pension? The court was not determining on the expediency of making a gift to aged indigents of *public money* but whether the legislature meant that adult children must pay pensions or may support dependents in their own homes *according to custom* and all laws to date.

Under Sec. 2160-f Wel. & Inst. Code the legislature designated persons eligible for aid. They can give only to those without husband, wife or child or, having one, and that one being *unable* or *unwilling* to provide adequate support which the state law obligates such responsible relatives to provide. Rights go with obligations. No one has a right to furnish money to your dependent without your knowledge and consent and then collect from you, especially with you available. The same laws apply to parent and child as to child and parent. See Calif. Civil Code, Title II Parent and Child, Chap. I, Children by Birth, Sec. 206: *"Reciprocal* duties of parents and children in *maintaining each* other. It is the duty of the father, the mother and the children of any poor person who is able to maintain himself by work to *maintain* such person to the extent of their ability."

"The *promise* of an adult child to pay for necessaries previously furnished to such parent is binding." Notice it takes a *promise* from the responsible party to make reimbursement possible. Appellant never gave such a promise. To find reasons to use public funds for public benefits is one thing, but quite a different thing to take money from an individual. Quite a different thing to deny a person the right to support his dependent the way that is convenient to him within the law and the taking over by the public of a social security pro-

gram, paid for by all. Money was paid Appellant's dependents without her consent and even without her knowledge. Appellant's parents *have* as their lawful right support with their adult child, since it was never denied them and was available. It is their asset. One cannot throw away assets. Also because Appellant can furnish support in her home does not mean that she has ability to pay money out to them since she needs the money she gets to maintain the one home, her present home whom all who have the right may share. It is unreasonable to expect this generation to furnish two homes when the last generation could not hold on to one. Rep. Tr. p. 30, l. 20-22. By Mrs. Lafuente: "I can maintain but one home, I haven't finances for more than one home."

When talking about money matters, what is meant is exactly stated. The legislature gives a child the responsibility to support, not to pay a pension to parents. A parent cannot be considered in *need* and eligible for *aid* who rejects support in the home of their adult child. A state of mutual obligation exists between parent and child; the parent does not pay money to the child but supports. Both *share* benefits. Likewise the child supports the parent. Appellant is obligated to support her parents but not to pay a pension. Money can be forced from adult children only if they have refused to support their parents. See Calif. Law Review, Vol. 26, 1937-1938, pp. 338-340.) Appellant has discharged her duty. See *Calif. Civil Code, Sec. 1512.*

Quoting: *"If the performance of an obligation be prevented by the creditor, the debtor is entitled to all the benefits which he would have obtained if it had been performed by both parties."* Sec. 1496: "The thing to be delivered, if any, need not in any case be actually produced, upon an offer of performance, unless the

offer is accepted." This is a prejudicial issue. The cause of this trial is not through the efforts of Appellant. You cannot affix the blame on some one without proof of their wrongdoing. Art. I, Sec. 2007 Wel. & Inst. Code: "Any person who obtains or attempts to obtain, or aids or abets any person to obtain *aid* to which he is not entitled, a larger amount of *aid* than that to which he is legally entitled * * * *is guilty of a misdemeanor.*"

Aged *aid* money was illegally given. The *entire* Welfare & Institutions Code referring to *aged aid* is under the same heading as is aid to the *Needy* Blind and *Needy* Children and must be considered so to give it proper meaning. So long as people are given money they will not use their legal support. People will very often take money if it is given to them, but that doesn't make it fair to have an innocent party be forced to pay for it. If it was the intention of the legislature to establish a pension they would not have always referred to it as *'aid to the needy'* and the provisions for it placed under the *same heading* as Aid to *Needy* Children and the *Needy* Blind. You cannot force someone to draw on a thousand dollars they have in the bank, but they would *not* be *in need* nor *entitled to aid* and would probably draw on it if they couldn't chisel. An adult child cannot be held responsible to reimburse for money illegally given.

Wherefore, your petitioner, respectfully prays that certiorari be granted.

Dated: Los Angeles, California, March 19, 1943.

Respectfully submitted,

GRETTA LAFUENTE,

In Propria Persona

(22)

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1942

No. 566

GRETTA LAFUENTE,

Petitioner,

vs.

COUNTY OF LOS ANGELES,

Respondent.

Fourth Petition for Rehearing

PETITIONER'S PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF CALIFORNIA

GRETTA LAFUENTE,
Petitioner in Propria Persona

JOHN H. O'CONNOR,
County Counsel

TABLE OF AUTHORITIES AND STATUTES

1. California Civil Code, Title II, Parent and Child, Chap. I, Sec. 206 4

2. The California State Legislature (as this goes to press) is considering striking out the Relative Responsibility Clause as recommended by committee, moved ahead with "do pass" 1

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4. Constitution of California, Sec. 31, Art. IV . 2 & 3

5. Decision of Supreme Court of California . 1, & 3, 4 & 5

6. Reporter's Transcript in District Court of Appeal of the State of California, p. 49, lines 1-20, Civil No. 12645 p. 29 & 30, in the District Court of Appeal . 3 & 4

In the Supreme Court
OF THE
United States

OCTOBER TERM, 1942

NO. 566

GRETTA LAFUENTE,
Petitioner,

COUNTY OF LOS ANGELES,
Respondent.

Preface
MOTION FOR LEAVE TO FILE FOURTH PETITION FOR REHEARING

Presented in good faith and not for delay.

To Franklin Delano Roosevelt, President of United States and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States, I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this fourth Petition for Rehearing of my petition for a Writ of Certiorari to the Supreme Court of State of California by the Supreme Court of United States, in order to better present the question in its more technical aspects since it affects so many people and the state's decision is not in accord with applicable decisions of this court. False judicial practice and false standards of government are involved which have so far departed from the accepted and usual course of judicial proceeding as to call for an exercise of this court's power of supervision. The family is outraged. Individual rights are abandoned.

Reasons for Rehearing:

To avoid repetition please include here also Appellant's *first, second, and third petitions for rehearing which covers jurisdictions, etc., with this fourth petition for rehearing.*

AS THIS GOES TO PRESS, the California State Legislature is considering striking out the relative responsibility clause of the Welfare and Institution Code as recommended by committee, moved ahead with "do pass," so states the newspaper and radio—WHICH PROVES THE FEELING ON THIS MATTER BY THE CALIFORNIA STATE LEGISLATURE *is very different from the way the California Supreme Court interpreted the law.* However, even if that passes, though it would eliminate many disgraceful trials in the future, there is still the condition that you should take care of this case in order to provide for such situations from the year 1934 to the present.

Please see the decision of the Supreme Court of California in the Supreme Court of United States, October Term 1942, No. 18258. Appendix, on the pages referred to in the following paragraphs:

p. 17, quoting: "Certainly the *state* may provide a needy aged person with a certain measure of independence and happiness of mind in addition to physical security." (Italics added)

A pretty statement! APPELLANT is to be the *WAND??*

The above quoted statement is only shadow boxing, entirely immaterial. Their arguments and decision should not be concerning *"the State to provide"* as they state, for their *decision* makes the *child pay* the *pen-*

sion which *they argue* should be done by the state. *Such a confusion of issues! A child is an individual, not a State!* And we are engaged in considering the law, not what we wish or believe; not whether the State *should* pay, but whether *the legislature says a child must pay a pension!*

p. 18—(more contrary to fact mode of argument by the Supreme Court of California), quoting:

"The only provision seriously urged as conflicting with the legislative grant of old age security benefits is Section 31 of Article IV, prohibiting the legislature from making or authorizing a gift of public money or thing of value to any individual or corporation. The section expressly provides, however, that nothing shall prevent the legislature from granting aid pursuant to Sec. 22 of Article IV which in turn authorizes the granting of aid to aged persons in *'indigent circumstances.'*"

What talk! They are not giving public money for public benefits, but Appellant's money to Appellant's dependent. Though they might twist the Constitution to give them power to spend public money, that doesn't give them the power to spend Appellant's money! *And, for goodness' sake, an individual is not able to finance their theories!* Moreover and above all, even the Constitution restricts gifts to *indigents;* an old person with an adult child furnishing his adequate support *is not in "indigent circumstances."*

p. 18, continuing the decision of the California Supreme Court: "In determining whether an appropriation of public money is to be considered a gift within the Constitutional prohibition, the primary question

is whether the funds are to be used for a public or private purpose."

Entirely immaterial. They should not be determining whether they can give public money as a gift. It is Appellant's money the trial is over and which they wish to force from Appellant in spite of the fact that the law obligates her only to support. Also by "her own assertion," in her home is the only way she could support. As to showing exactly how she spends her income, *there was no other testimony Appellant could give as to how her income is spent years after it is spent,* she not knowing that there was to be such an accounting since the money was given secretly as well as underhandedly, as instructions to Appellant from the Department of Charities shows!

Please see (Rep. Tr. p. 49 l 1-20, Civil No. 12645, p. 29 & 30 in District Court of Appeal) quoting:

"April 7, 1937. Gretta Gray Lafuente reported today to the Department of Charities, Special Aid Division, Bureau of Indigent Relief, at 434 S. San Pedro St., L. A. She reported that she went on April 5th and again with her son on April 7, 1937, to her father at 5446 Romaine St., Los Angeles, offering her father a home with her. He refused to accept her offer."

(*Why would he?? Already he had received money without Appellant's knowledge for two years from the L.A. Dept. of Charities!*)

"She was then instructed by the Adult State Aid of the Department of Charities that she should wait for her father to notify her or the State Department to notify her if her father decided to change his mind and come. Also she notified the State Department that if they wished to get in touch with her to send her a let-

ter to 234 S. Tower Dr., Beverly Hills, or they could find her any school day at Lafayette Junior High School, Los Angeles. This is signed by Miss Hutchings, Director No. 10, Asst."

There are no grounds that the respondent or the Supreme Court of California finds for establishing eligibility of old people to pensions (paid for by a child, *for there are no such provisions.*) Their efforts to force money from Appellant for her dependents, whose adequate support she furnishes amounts to nothing but *shadow boxing—blackmail!* What a state of affairs has been created; Parents, child, family, home ruined! Manpower and morale of both undermined! *Claiming they wish to establish a pension paid for by a child their arguments, however, point to how it is possible for the State to pay a pension!* Not one place do they show where the legislature has indicated that it expects the adult child to do anything but support their dependents, as has always been customary, penalizing children only when they refuse their responsibility as has been customary!

Also let us remember that in California we still have:

Calif. Civil Code, Title II, Parent and Child, Chap. I, Children by Birth, Sec. 206, quoting:

"Reciprocal duties of parent and children in maintaining each other. It is the duty of the father, the mother, and the children of any poor person, who is able to maintain himself by work to *maintain* such person to the extent of their ability.

The *promise* of an adult child to *pay* for necessaries previously furnished to such dependent is binding."

Notice it takes a *promise* from the responsible party to make reimbursement possible! Appellant *never gave* such a promise!

Also the California Supreme Court seems to make a point of the fact that Appellant is a public school teacher, as if those in public service had less rights than other individuals! At that, I presume they would consider that it would be perfectly alright for some one to get the notion of paying money to *their* children and expect them, the father, years after the secret payments to reimburse someone who gives to their dependent children! If it would work with parents there is no reason why it would not also work with children!

Wherefore, your petitioner, respectfully prays that certiorari be granted.

Dated: Los Angeles, California, April 22, 1943.

Respectfully submitted,

GRETTA LAFUENTE,

In Propria Persona

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1942

No. 566

GRETTA LAFUENTE,

Petitioner,

vs.

COUNTY OF LOS ANGELES,

Respondent.

Fifth Petition for Rehearing

PETITIONER'S PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF CALIFORNIA

GRETTA LAFUENTE,
Petitioner in Propria Persona

JOHN H. O'CONNOR,
County Counsel

TABLE OF AUTHORITIES AND STATUTES

1. Assembly Bill No. 1994, Sec. 8 - 2160 Amended to read 8f 4

2. California Civil Code, Title II, Parent and Child, Chap 1, Sec. 206 3

3. Constitution of California, Sec. 22, Art. IV . 1 & 2

4. Constitution of California, Sec. 31, Art. IV . 3 & 4

In the Supreme Court
OF THE
United States

OCTOBER TERM, 1942

NO. 566

GRETTA LAFUENTE,
Petitioner,

COUNTY OF LOS ANGELES,
Respondent.

Preface
MOTION FOR LEAVE TO FILE FIFTH PETITION FOR REHEARING

Presented in good faith and not for delay.

To Franklin Delano Roosevelt, President of United States and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States, I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this fifth Petition for Rehearing of my petition for a Writ of Certiorari to the Supreme Court of State of California by the Supreme Court of United States, in order to better present the question in its more technical aspects since it affects so many people and the state's decision is not in accord with applicable decisions of this court. False judicial practice and false standards of government are involved which have so far departed from the accepted and usual course of judicial proceeding as to call for an exercise of this court's power of supervision. The family is outraged. Individual rights are abandoned for the adult children class of citizen which are prejudiced against by discriminating against their right to equal rights to have their rights equally considered before the law.

Reasons for Rehearing:

To avoid repetition please include here also Appellant's *first, second, third, and fourth petitions for rehearing which covers jurisdictions, etc., with this fifth petition for rehearing.*

Please see the Constitution of Calif., Art. IV, Sec. 22, quoting:

SEC. 22. No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided,* that notwithstanding anything contained in this or any other section of the Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor ORPHANS, or half-orphans, or ABANDONED children, or children of a father who is INCAPACITATED for gainful work by PERMANENT PHYSICAL DISABILITY or is suffering from TUBERCULOSIS in such a stage that he can not pursue a gainful occupation, *or aged persons in indigent circumstances*—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *proided,* that the Legislature shall have power to grant aid to NEEDY physically handicapped persons not inmates of any institution under the supervision of the State Department of Institutions and supported in whole or in part by the

State or by any institution supported in whole or in part by any political subdivision of the State; *provided, further,* that the State shall have at any time the right to inquire into the management of such institutions; *provided, further,* that whenever any county, or city and county, or city, or town, shall provide for the support of minor ORPHANS, or half-orphans, or ABANDONED children, or children of a father who is incapacitated for gainful work by PERMANENT physical disability or is suffering from TUBERCULOSIS in such a stage that he can not pursue a gainful occupation, or aged persons in indigent circumstances, or needy physically handicapped persons not inmates of any institution under the supervision of the State Department of Institutions and supported in whole or in part by the State or by any institution supported in whole or in part by any political subdivision of the State, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature. [*Amendment adopted November* 6, 1928]"

Money cannot be given by the State to *children* unless they are ORPHANS, ABANDONED or unless of a *"father who is incapacitated for gainful work by* PERMANENT PHYSICAL DISABILITY *or is suffering from* TUBERCULOSIS *in such a stage that he cannot pursue a gainful occupation."* Indeed, the father would have to be *"in indigent circumstances,"* as also *"aged persons* must be in *indigent circumstances."* Let us recall parent and children are classed in a reciprocal

position in California. INDIGENT they must both be to get money from the State. The point here is that the Constitution of California shows by it especially specifying that it considers only completely destitute people, indigent, *by pointing out* PERMANENTLY PHYSICALLY *handicapped or* TUBERCULOSIS *in such a stage that he cannot pursue gainful occupation.*" The wording in the law classifying COMPLETELY to the depth of indigent circumstances a person must be in to receive aid.

Also please see Calif. Civil Code, Chap. I, Sec. 206:

"Reciprocal duties of parent and children in maintaining each other. It is the duty of the father, the mother, and the children of any poor person, who is able to maintain himself by work to *maintain* such person to the extent of their ability.

The *promise* of an adult child to *pay* for necessaries previously furnished to such dependent is binding."

Also please see California Constitution, Art. IV, Sec. 31, quoting:

SEC. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation

whatever; *provided,* that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article;"

Also please see Assembly Bill No. 1994, Sec. 8f, 2160, amended to read:—(Those eligible for aid)

"Who is not receiving *adequate* support from a husband or wife, or child able and responsible under the laws of this State to furnish such support (addition by amending from hereon) free board and lodging supplied to an applicant because of his necessity, *by a friend* or a relative who is *not responsible for his support shall not be ground for refusing aid.*

This infers that aid should be refused if support is furnished by a relative who is responsible for his support.

Notice also the wording still specifying adequate support as *the only kind demanded* that one give his dependents. This does NOT infer cash payments.

The California Legislature has raised the aid to the needy to fifty dollars a month. This is higher than any other State in the Union. Is that just their cute form of false advertising? Has the State the intention of paying or do they expect to take the glory and get the money out of the children after they have robbed them, taken the loyalty of their parents, and broken up the home circle which was about the only security people had left in this age. It is a crime and a shame as old people become aged, the sweetest time of their life, surrounded by their family, for governmental trickery to put them in such a position, or is the new philosophy to get rid of the children? What problems ahead of us! The church and the school never yet have been able to do the work of the home.

Please notice that in spite of the fact that Appellant's brief was in the hands of this court, the California Legislature did not do one thing to make it impossible for such an outrage to be committeed on other homes. The law remains the same. It is all too terrible to believe. Already it was a compromise giving only aid to the needy when pensions were claimed, for but to shift the load which great taxpayers who created it feel too heavy for them to bear on to those less able to bear it than they, and on top of that breaking up the home circle in order to carry out their purpose, is trickery of the most ruthless type.

Following is a dramatization of the situation which they have created to save themselves money:

At the adult child's home, the adult child indignantly says:

"We must forget grandmother and grandfather, my child, they were disloyal to us; they have disgraced us."

While at grandfather's home:

"We must disown our daughter, Mother. We can get more from the State than from her. Yes, I know she could always be trusted and to get more for ourselves we leave her hard-worked-for home embarrassed, though she was once a darling daughter. Now, turn the lock on her, Mother. Oh! Oh! We can get more from the State, Mother! Turn the lock on her, Mother, we can get more from the State, Mother. We can get more from the State."

Applause by the Supreme Court. Silence means consent.

The Federal Bureau of Investigation fights against the destruction of the home. Is the Supreme Court of

United States not going to give a home a trial? Preserve the home as the most sacred and most constructive force in the community! It is our duty to society to build on it as the most important resource of our country. The nation's manpower will never be stronger than its homes. We must build them, not destroy them, in order for this country to gain in spirit for the struggles now and ahead. The home is the pulse of the nation.

Though all our fate hangs with the great, yet it has been found throughout our history that it is well for the great never to lose sight and understanding of any class of individual.

The SABOTAGING of an American home has been completed. Its wilful injury and destruction has been accomplished through apparently accidental means! What has happened is too dramatic to be passed off. Human beings by nature do love to manage the affairs of others, but this is more than just unsporting. A public school teacher has been attacked. Similar tactics were used in invaded countries to get rid of and destroy public officers known to be in sympathy with the Allied cause.

There is every technical ground for hearing this case. Unusual considering it from the first visitor from the Los Angeles Department of Charities who so strangely tries to get Appellant to sign that she cannot support her father, linked with the fact that the father had received money already from them secretly for two years. Then when Appellant refuses to enter the conspiracy, for three more years they secretly give again and finally show that perfect premeditated plan for destruction. Was there an enemy? Keep that necessary "Eternal Vigilance." Destruction has succeeded. WE

ARE INVADED! Even the theory that every class of citizen stand on their own worth is disregarded by this court's condemning adult children by their silence, to be belittled and domineered by governmental officials. Laws or their intent no longer mean anything but loopholes opened for Nazi activity. Their activities even protected by such a situation not being corrected. Make no mistake, this is a Nazi victory and if no questioning, plotting is protected.

Never mind how much blood we spill with the tools of our mass production machinery, it will still be a Nazi victory unless our deeds are sanctified by our cause for which we should stand upholding our ideals steadfastly. Otherwise, we are declaring by our silence that decency, honor, responsibility, are no longer virtues. Instead, in order to stay alive one is expected to indulge in dishonesty, trickery, intrigue; scheming and conspiring with whatever governmental official happens to contact one, be he right or wrong; NAZI FASHION. Otherwise, one may expect to be attacked, blackmailed and given over to the human scavengers who gloatingly coax on destruction as they hide in wait ready to slink out to lap up.

How disgracefully Appellant has been treated! Diligently has she spent a lifetime to build up a home.

Now no parents, no protection by the law, an orphan, a widow, her son in service, training to fight presumably for human rights while his mother is without rights or protection from her government at home, robbed and penalized because she would not enter into a conspiracy and sign that she could not support her parents in her home. Divide to conquer! By the way, after they finish destroying and bleeding Appellant,

what if something happens to her sick sister? Have they planned where these parents would go? They would have no right to that home where they are then. Do you think this husband would let them live there when he no longer is forced to provide for his wife?

While all over the world we fight for a rebirth of the ideals we esteem; of respect for humankind, at home we are callous to the rights of others and stand by to the point of neglecting duty to let classes of individuals be wrongfully deprived of individual rights; be wrongfully destroyed and stripped of those rights common decency has secured for all classes of individuals heretofore. Such hardened insensibility is not the heart of America. High idealism and respect for every class of individual is the true America which will have to be reckoned with before the end. Scalawag ruthlessness cannot stand. IT IS FOR A BETTER WORLD WE FIGHT!

Are all classes of individuals still something, or may certain groups become nothing? If there are any classes of us which feel that they are above and safe from discriminatory acts and that therefore they do not have to keep that necessary vigilance for their classes' individual rights, pray let them listen to the unsuppressible voice of the ages which claims for the milk of human understanding. That voice is a part of us all: "Do ye unto others as ye wish to be done by."

ALL CLASSES, (great taxpayers included), as was true of our ancestors, at one time or another need to recall as well as share the security of such mutual understanding and protection. It is a protection which as certainly as there was once a need for a Magna Charta, will function. This adherence of man to his ground

work ideals is stronger than any power that ever was or ever will be. Let those who thirst for exaggerated powers forget not our foundation truths, which humble us all to the great waves of centuries which formed them and shaped them to our likeness and purpose. No class of individual is above the need of these. No class should be prejudiced against by being refused such shelter. "Do ye as ye wish to be done by." Equal rights before the law to all classes of individuals!

Joined to the subversives thus also the GREAT TAX-PAYERS, feeling they cannot afford the load they have created, shift it on to those less able to bear than they, even WILLING TO DENY DEMOCRATIC PROCEDURES TO DO IT.

With great hardship and sacrifice Appellant has finally succeeded in completing her duty. The responsibility is now yours! After being taken out of her teaching profession for four months, now her salary has been attached so that Appellant isn't sure that she and her son shall even continue to eat, especially since it has been proven to her already that laws no longer mean anything. But she is absolutely positive that slick subversive forces do! You can see that instead of appreciating her trying out this new law in the courts at her expense with great sacrifice as we who believe in DEMOCRATIC PROCEDURES believe it is one's duty to do, they attempt to stop her by force. Certainly these strange matters had to be brought before this court. Yet they have tried in every possible way by threatening and now by forcefully stopping her even when it is so near the end of the 1942 Court Term. Her salary was attached April 30, 1943, when a brief was then in your hands.

THE RESPONSIBILITY IS NOW YOURS.

The battle waged by our soldier boys will mean nothing if we do not do our part at home, where the real battle is waged in idealism which is the only battle in the end.

Wherefore, your petitioner, respectfully prays that certiorari be granted.

Dated: Los Angeles, California, May 21, 1943.

Respectfully submitted,

GRETTA LAFUENTE,

In Propria Persona